

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

JOSE CARABALLO,

Defendant.

ORDER

(S3) 18 Cr. 37 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

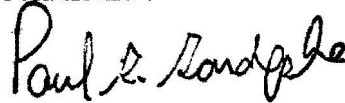
On November 2, 2022, Defendant Jose Caraballo pleaded guilty to conspiracy to distribute and possess with intent to distribute 500 grams and more of cocaine, in violation of 21 U.S.C. Sections 841(a)(1), 841(b)(1)(B), and 846. (Nov. 2, 2022 Tr. (Dkt. No. 202)) Sentencing is scheduled for March 7, 2023. The applicable range under the Sentencing Guidelines is 210 to 262 months' imprisonment. (PSR (Dkt. No. 205) ¶ 5((g)) The Government seeks a "significant sentence" but agrees that a variance from the Guidelines range is appropriate. (Govt. Ltr. (Dkt. No. 208))

There is very little in the record concerning the nature and circumstances of the Defendant's offense. The PSR addresses the Defendant's conduct in three sentences. The Government's sentencing letter says little more than that the Defendant was associated with a drug trafficking organization that distributed large quantities of cocaine in New York City. (Cite to Govt. Ltr.) The defense submission does not substantively address the Defendant's offense conduct. Although the Indictment alleges that the Defendant's criminal conduct took place over a seventeen-year period, neither the parties nor the Probation Officer addresses exactly what the Defendant did during this period. Accordingly, the record before the Court is not adequate to sentence the Defendant.

The Government will make a submission by **March 3, 2023**, addressing, inter alia, the time period in which the Defendant was engaged in drug trafficking; the role he played in that activity, including whether he had any supervisory responsibility; the approximate amount of cocaine that passed through his hands; the frequency of the drug transactions that the Defendant participated in; the proceeds the Defendant realized as a result of his criminal activity; and all other factors bearing on his culpability. The Defendant will file any responsive submission by **March 10, 2023**. Sentencing is adjourned to **March 17, 2023, at 2:00 p.m.**

Dated: New York, New York
February 24, 2023

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe". The signature is written in a cursive, flowing style. The first letter "P" is large and loops around the first name. The last name "Gardephe" is written in a similar cursive style.

Paul G. Gardephe
United States District Judge